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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,578	11/24/2003	Chih-Ming Lin	67,200-1158	5800

7590 09/19/2006

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EXAMINER

RAO, SHRINIVAS H

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/721,578

Applicant(s)

LIN ET AL.

Examiner

Steven H. Rao

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

Continuation of 13. Other: Applicants' first contention that Examiners' 112 rejection amounts to piecemeal examination are not persuasive because the addition of the word "conductor" triggers the rejection. Applicants' second contention that their recitation "a metal silicide layer formed over and electrically connected with the conductor contact region" (emphasis supplied) should not be interpreted to mean that Applicants' have claimed a metal silicide layer in electrical contact with the conductor contact layer is not persuasive, as applicants' claims must be given their broadest reasonable interpretation and one skilled in the art would easily understand that Applicants' recitation includes a metal silicide layer in electrical contact with the conductor contact layer. Applicants' contention that electrically connected requires physical contact is based on their failure to understand an electrical contact (cannot be formed as per the originally filed specification) between conductor contact layer (figs 1-5 #12) and metal silicide layer (17 or 17a or 18) because of the presence of conductor barrier layer (14 14a Para 0022 and 0023) there between to specifically electrically isolate layer 12 from layers 17, 17a or 18 Applicants' contention regarding "physical contact" are extraneous as Electrical contact can be established with or without physical contact. Therefore a prima facie case of 112 rejection has been made. Applicants' contention that they have claimed a conductor contact region is correct, but their conclusion this recitation excludes a semiconductor contact region is incorrect. If Applicants' want to claim a conductor contact region only and exclude semiconducting region from it they may recite "conductor contact region only" otherwise (as understood by one of ordinary skill in the art) a conductor contact region includes a semiconducting region also. Knoll as stated in the rejections teaches in figure 1 a metal silicide layer 14 in "ELECTRICAL CONTACT" with a conductor contact region and first doped semiconductor polysilicon layer, anti-fuse material and second doped polysilicon layer and rest of the elements of presently recited claim 1. Knoll's teachings are similar if not identical to Applicants' claim 1 and what is true for Applicants' i.e. their contact region being conductive and in electrical contact with metal silicide layer is also true for the applied Knoll reference. With respect to claims 4,9,14 and 19 and claims 5,10,15 and 20 and all remaining claims applicants' and their attorney are mistaken and not understood the rejection and as stated in the rejections Knoll teaches all the presently recited limitations.

bx
9/11/09


LONG PHAM
PRIMARY EXAMINER